

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

PBM Bellwether Cases

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS' COMBINED DISCOVERY REQUESTS TO
DEFENDANT PHARMACY BENEFIT MANAGERS (2nd Set)
(RELATING TO INITIAL DISCOVERY)**

The PBM Bellwether Plaintiffs request the PBM Bellwether Defendants, individually and separately (“You”¹), answer and respond to the following discovery requests pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure. These requests clarify certain of the PEC Initial Discovery Requests served on December 29, 2023 and seek to prioritize your responses thereto.²

1. To clarify the PEC Initial Discovery Requests and prioritize your responses thereto, please identify and produce all contractual agreements with Purdue Pharma and specify the documents in sufficient detail to enable the PEC to locate and identify the documents as readily as you. *See* FRCP33(d)(1).

2. To clarify the PEC Initial Discovery Requests and prioritize your responses thereto:

2a. Please produce all *communications* with Purdue Pharma relating to prescription opioids.

¹ “You” or “Your” refers to each defendant named in the “PBM Bellwether cases” (Doc #: 5282) including its predecessors and/or successors in interest by way or merger, acquisition or otherwise. To the extent you contend the named corporate entities should be treated separately, you must answer separately sufficient to distinguish the differences between the same.

² In serving these clarified and prioritized requests, Plaintiffs are not abandoning their December 2023 requests, but rather are seeking to obtain certain information responsive to those requests on an expedited basis, as set out herein.

- 2b. Please produce all communications with Purdue Pharma leading up to the initial placement of *OxyContin* on your national formulary and/or any changes thereto.
- 2c. Please produce all documents related to your internal decision-making process to place *OxyContin* on your national formulary and/or any changes made thereto.
- 2d. Please produce all communications (including newsletters and mailings) with clients regarding the placement of *OxyContin* on your national formulary and/or changes made thereto.
- 2e. Please produce all communications (including newsletters and mailings) with physicians regarding the placement of *OxyContin* on your national formulary and/or changes made thereto.
- 2f. Please produce all public announcements regarding the placement of *OxyContin* on your national formulary and/or changes made thereto.
- 2g. Please produce all documents and communications with Purdue Pharma related to “*counter-promotional efforts*” against *OxyContin*.
- 2h. Please produce all documents and communications with Purdue Pharma related to the placement of *OxyContin* on the national formulary “*without restriction*” and/or communications related to violations thereof.
- 2i. Please produce all documents and communications with Purdue Pharma related to “*OxyContin quantity limits*” and/or tier placement.
- 2j. Please produce all *rebate audit data* provided to or received from Purdue Pharma.
- 2k. Please identify all *educational programs* related to prescription opioids in which you participated with Purdue Pharma and produce all documents related thereto.
- 2l. Please identify all *marketing programs* related to prescription opioids in which you participated with Purdue Pharma and produce all documents related thereto.
- 2m. Please identify all *studies* (whether proposed, undertaken or completed) related to prescription opioids in which you participated with Purdue Pharma and produce all documents related thereto.

2n. Please identify all *patient assistance programs* related to prescription opioids in which you participated with Purdue Pharma and produce all documents related thereto.

2o. Please produce all communications with *Laura Randa King, Bernie Katsur, Lynn Nagorski, and/or Tim Richards* (former Purdue Pharma employees) related to prescription opioids.

2p. Please identify and produce all documents which evidence *payments* made by Purdue Pharma to you relating to prescription opioids including administrative fees, rebates, refunds and the like.

2q. Please produce all documents related to the negotiation of *rebates* and/or *administrative fees* with Purdue Pharma.

2r. For Express Scripts, consistent with ¶5.2 of the *Reimbursement Agreement* with Purdue Pharma (e.g., PDD1782068808), please produce all “rebate grand total reports, rebate summary reports, rebate Pharmacy detail reports, detail prescriptions claims data (with Member identifiers masked), enrollment data, the sections of Plan contracts authorizing formulary management services, formulary information, records of intervention programs and the claims adjudication process [...]”

2s. For Express Scripts, consistent with ¶6 of the *Reimbursement Agreement* with Purdue Pharma (e.g., PDD1782068808), please produce all documents related to *Quarterly Review Meetings*.

2t. Please produce all documents related to “Situation Review for Express Scripts” (PPLPC035000005854) including internal communications, external communications, emails and/or other documents related thereto.

2u. Please produce all documents related to “Chronic Pain Management” (PPLPC036000014773) including internal communications, external communications, emails and/or other documents related thereto.

2v. Please produce all documents related to “LOW BACK PAIN: Pain Management” (PPLPC035000016919) including internal communications, external communications, emails and/or other documents related thereto.

2w. Please produce all contracts, communications and/or other documents exchanged between Phoenix Marketing Group and Purdue Pharma.

2x. Please produce all contracts, communications and/or other documents exchanged between Ingenix and/or OptumInsight and Purdue Pharma.

3. To clarify the PEC Initial Discovery Requests and prioritize your responses thereto, with respect to each of the following Committees, Teams, or Groups, please (i) identify all members or persons involved therein and the time period of their involvement, (ii) produce all charters, policies, procedures and/or protocols including prior versions and/or revisions, (iii) produce all documents *related to prescription opioids* including but not limited to, materials relied upon, intra-committee/group/team communications, inter-committee/group/team communications (with other committees), communications with prescription opioid manufacturers, emails (internal and external), minutes (or other summary documents), agendas, Committee/group/team work product and/or reports generated therefrom, and (iv) produce all documents related to OxyContin.

3a. Pharmacy & Therapeutics Committee (“P&T” Committee)

3b. Therapeutic Assessment Committee (“TAC”)

3c. Value Assessment Committee (“VAC”)

3d. Clinical Integrity Council (“CIC”)

3e. Trade Relations Group (“TRG”)

3f. Fraud, Waste and Abuse (“FWA”)

3g. Committees, groups, or teams responsible for Concurrent and/or Retrospective Drug Utilization Review (“CDUR” and “RDUR”)

3h. Clinical Programs Subcommittee (“CPS”)

3i. Business Implementation Committee (“BIC”)

3j. Drug Intelligence Team (“DIT”)

3k. Formulary Management Committee (“FMC”)

3l. Industry Relations Group (“IRG”)

3m. Office of Clinical Evaluation and Policy (“OCEP”)

3n. Drug Evaluation Unit (“DEU”)

4. ***To Express Scripts Defendants Only:*** On March 15, 2024, Express Scripts uploaded Production No. 15 to Ricoh which included Express Scripts’ production to the U.S. Senate Permanent Subcommittee on Investigations in 2016 (ESI_MDL_000018696 – ESI_MDL_000019965). That production evidenced the existence of documents and information responsive to the PEC’s Initial Discovery Requests which have not been produced or provided. Please prioritize the following discovery, which should be produced without geographic limitation, unless otherwise specifically noted:

4a. Please produce all communications with the United States Senate Permanent Committee on Investigations related to its investigation of “opioid utilization and overprescribing” (see e.g., ESI_MDL_000018696).

4b. Please produce all Express Scripts Investigation Reports related to *providers* (e.g., ESI_MDL_18788) nationwide related to prescription opioids.

4c. Please produce all Express Scripts Investigation Reports related to *beneficiaries* (e.g., ESI_MDL_000018757) residing within the bellwether jurisdictions related to prescription opioids.

4d. Please produce all “Opioid Case Management program reviews” of *beneficiaries* (e.g., ESI_MDL_000018757) residing within the bellwether jurisdictions.

4e. Please produce all Express Scripts “referrals to NBI MEDIC” (*see e.g.*, ESI_MDL_000018766) related to prescription opioids.

4f. Please identify and produce the methodology for the “continuous analytics and data mining of Express Scripts PDP members” (*see e.g.*, ESI_MDL_000018955) related to prescription opioids.

4g. Please produce all documents related to your “Disease Strategy” for “Opioids for Pain Management” (*see e.g.*, ESI_MDL_000019870) including all documents related to its drafting, adoption, implementation and/or dissemination.

Dated: April 2, 2024

Respectfully submitted,

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